

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF PETER T. § No. 91, 2011
KOSTYSHYN FOR A WRIT OF §
MANDAMUS. §

Submitted: March 15, 2011
Decided: April 27, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 27th day of April 2011, upon consideration of the petition for a writ of mandamus filed by Peter T. Kostyshyn and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) The petitioner, Peter T. Kostyshyn, has filed a petition for a writ of mandamus to be directed to the Superior Court regarding three criminal cases. One case concerns Kostyshyn's sister's conviction in the Court of Common Pleas.¹ The other two cases concern Kostyshyn's conviction in the Court of Common Pleas, which was appealed to the Superior Court and then dismissed,² and Kostyshyn's Superior Court conviction, which is currently the subject of a direct appeal in this Court.³

Collectively, Kostyshyn seeks mandamus relief in the form of his release

¹ *State v. Patricia Kostyshyn*, Del. Com Pl., Cr. ID No. 0902010157.

² See docket at 17, *State v. Peter Kostyshyn*, Del. Super., Cr. ID No. 0902010151, (Feb. 10, 2011) (order dismissing).

³ See docket at 1, *Peter Kostyshyn v. State*, Del. Supr., No. 71, 2011, (Feb. 14, 2011) (filing appeal from Superior Court conviction and sentencing in Cr. ID No. 0908020496).

from prison, the appointment of counsel, and an investigation to correct “miscarriages of justice and abuses and manipulations of the Courts.”

(2) This Court will issue a writ of mandamus to the Superior Court only if the petitioner can show that he or she has a clear right to the performance of a duty, no other adequate remedy, and that the Superior Court has arbitrarily failed or required to perform the duty.⁴ Kostyshyn has not demonstrated a basis for mandamus relief with respect to any of the cases referred to in his petition.

NOW, THEREFORE, IT IS ORDERED that the State’s motion to dismiss is GRANTED. Kostyshyn’s petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

⁴ *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).